



COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

648 KENNETH HAHN HALL OF ADMINISTRATION
500 WEST TEMPLE STREET
LOS ANGELES, CALIFORNIA 90012-2713

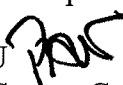
JOHN F. KRATTLI
County Counsel

July 2, 2014

TELEPHONE
(213) 974-1861
FACSIMILE
(213) 229-9924
TDD
(213) 633-0901

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: PATRICK A. WU 
Senior Assistant County Counsel

RE: **Item for the Board of Supervisors' Agenda**
County Claims Board Recommendation
Kristy Beets, et al. v. County of Los Angeles, et al.
Pomona Superior Court Case No. KC 057 667

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisors' agenda.

PAW:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Kristy Beets, et al. v. County of Los Angeles, et al., Pomona Superior Court Case No. KC 057 667, in the amount of \$437,500 and instruct the Acting Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This wrongful death lawsuit concerns allegations of negligence by a Sheriff's Deputy arising from a shooting.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Kristy Beets, et al. v. County of Los Angeles, et al.
CASE NUMBER	KC057667
COURT	Pomona Superior Court
DATE FILED	1/7/2010
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 437,500
ATTORNEY FOR PLAINTIFF	Dale K. Galipo Law Offices of Dale K. Galipo
COUNTY COUNSEL ATTORNEY	Jennifer A.D. Lehman
NATURE OF CASE	<p>This is a recommendation to settle for \$437,500, the lawsuit filed by Kristy Beets and Glenn Allen Rose against the County of Los Angeles and a Sheriff's Deputy alleging wrongful death and negligence in the shooting death of their son Glenn Patrick Rose.</p> <p>Plaintiffs claim that their son was shot without just cause. The Deputies contend that deadly force was reasonable in response to Mr. Rose's actions at the time of the incident.</p> <p>In light of the risks and uncertainties of litigation, a full and final settlement of the case in the</p>

amount of \$437,500 is
recommended.

PAID ATTORNEY FEES, TO DATE	\$	177,600
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PAID COSTS, TO DATE	\$	103,191
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Case Name: Kristy Beets v. County of Los Angeles, et al.



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of Incident/event:	Tuesday, May 13, 2008, approximately 2:07 a.m.
Briefly provide a description of the incident/event:	<p><u>Kristy Beets v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2013-043</p> <p>On Tuesday, May 13, 2008, at approximately 2:07 a.m., several uniformed Los Angeles County deputy sheriffs, assigned to the Los Angeles County Sheriff's Department's Walnut/Diamond Bar Station, became involved in the pursuit of a stolen motor vehicle driven by the decedent.</p> <p>Members of the California Highway Patrol became involved in the pursuit and ultimately assumed control. The 13-minute pursuit eventually ended in the city of Covina where the decedent and his female companion exited the stolen vehicle and entered another vehicle (the decedent had stolen earlier) in an attempt to escape.</p> <p>The deputy sheriffs and the California Highway Patrol officer attempted to apprehend the two suspects before they could escape in the second vehicle. The decedent, however, managed to start the vehicle and drive away. During his flight, he rammed two of the marked patrol vehicles parked nearby. The deputy sheriffs and California Highway Patrol officer were forced to take evasive action to avoid being struck by either the plaintiff's vehicle or one of the patrol vehicles.</p> <p>After the decedent drove his vehicle directly at one of the law enforcement officers, two members of the Los Angeles County Sheriff's Department discharged their weapons at the decedent, striking him in the chest.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

The root cause in this incident is the decedent driving a stolen motor vehicle directly at members of the Los Angeles County Sheriff's Department.

County of Los Angeles
Summary Corrective Action Plan

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of the incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in the incident.

This incident was thoroughly investigated by representatives from the Los Angeles County Sheriff's Department's Homicide Bureau. The results of the investigation were presented to representatives from the Los Angeles County District Attorney's Office. The office of the Los Angeles County District Attorney concluded that the two deputy sheriffs who discharged their weapons acted lawfully in self-defense and defense of others.

The incident also was investigated by representatives from the Los Angeles County Sheriff's Department's Internal Affairs Bureau. On November 5, 2009, the results of the investigation were presented to the members of the Los Angeles County Sheriff's Department's Executive Force Review Committee. The members of the committee concluded the force used by the two deputy sheriffs was reasonable, necessary, and in compliance with Department policy.

No systemic issues were identified, and no employee misconduct is suspected. Consequently, no personnel-related administrative action was taken.

On or before June 30, 2014, the Los Angeles County Sheriff's Department's Risk Management Bureau will ensure the re-broadcast of two related videos: *Assaults by Moving Vehicles* (originally broadcast November 4, 2005 summarizing the Los Angeles County Sheriff's Department's policy on the use of firearms against moving vehicles and the effect such an activity has on the vehicle and/or occupants), and *Shooting Through a Windshield* (originally broadcast January 27, 2006 summarizing issues to be considered when discharging a firearm at or through the windshield of a motor vehicle).

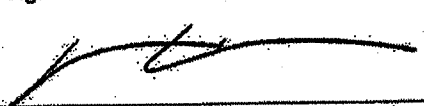
3. Are the corrective actions addressing department-wide system issues?


- ☐ Yes – The corrective actions address department-wide system issues.
☒ No – The corrective actions are only applicable to the affected parties.

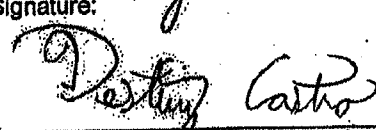
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County of Los Angeles
Summary Corrective Action Plan

Los Angeles County Sheriff's Department

Name: (Risk Management Coordinator) Ronald D. Williams, Captain Risk Management Bureau	
Signature: 	Date: 4/10/14

Name: (Department Head) Earl M. Shields, Chief Professional Standards Division	
Signature: 	Date: 04-18-2014

Chief Executive Office Risk Management Inspector General USE ONLY Are the corrective actions applicable to other departments within the County? <input type="checkbox"/> Yes, the corrective actions potentially have County-wide applicability. <input checked="" type="checkbox"/> No, the corrective actions are applicable only to this department.	
Name: (Risk Management Inspector General) Destiny Castro	
Signature: 	Date: 4/12/2014